



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES,
COUNCIL 93

Petitioner

v.

TOWN OF OSSIPEE, NEW HAMPSHIRE

Respondent
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CASE NO. A-0530

DECISION NO. 86-75

APPEARANCES

Representing Council 93, AFSCME:

Harriet Casey, Staff Representative

Representing the Town of Ossipee:

James R. Patten, Esquire, Counsel

Also appearing:

Robert P. Tawney, N. H. Municipal Association
Wendell S. Thompson
Dorothy Palmer, Administrative Assistant

BACKGROUND

Council 93, AFSCME, filed a petition for certification of a unit composed of all permanent full-time and part-time employees of the Highway, Landfill, Water/Sewer, Parks and Recreation and Town Office; namely, Road Agent, Equipment Operators, Truckdrivers, Landfill Attendants, Laborer, Parks & Recreation Director, Water & Sewer Superintendent and Secretaries.

The Board of Selectmen filed exceptions to the proposed unit on the basis that the proposed unit included individuals who exercised supervisory authority over other individuals in the unit and others whose duties were of confidential nature; in addition, many of the individuals did not share the same community of interest. By exclusion of those individuals in the supervisory and confidential category, the Board of Selectment felt the petition would fall under the requirement of ten (10) under RSA 273-A.

A hearing was held in the PELRB office on October 16, 1986 with all parties represented.

FINDING OF FACTS

The petition filed by Council 93, met the requirements under RSA 273-A in that it included a show of interest by at least thirty percent of the employees in the proposed unit.

The position of Road Agent, a salaried position and appointment by the Board of Selectmen, exercised supervisory authority involving the significant exercise of discretion over the town crews and as such is prohibited from belonging to same unit as those employees he supervises. (RSA 273-A:8, II)

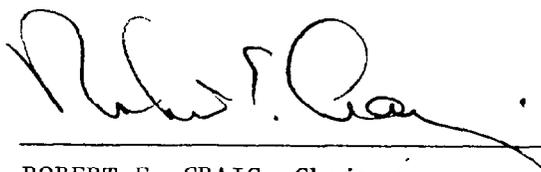
The Landfill Attendant is a person employed on an "on call" basis and must be excluded in accordance with Section IX, (d).

All other employees of the proposed unit met the requirements of the law and shared a community of interest.

DECISION AND ORDER

Having considered the testimony and written evidence presented at the hearing PELRB rules as follows:

1. A unit is hereby created composed of all full-time and permanent part-time employees of the Town of Ossipee; namely, Secretaries, Equipment Operators, Assistant Road Agent, Truckdrivers, Parks and Recreations Director, Water and Sewer Superintendent and the permanent part-time Laborer in the Water/Sewer Department.
2. Excluded from the unit: Road Agent and Landfill Attendant.
3. An election to determine if the above employees wish to be represented by Council 93 for the purpose of collective bargaining will be held by PELRB as expeditiously as possible.



ROBERT E. CRAIG, Chairman

Signed this 25th day of November, 1986

By unanimous vote. Chairman Robert E. Craig presiding. Members Seymour Osman, Daniel Toomey and Richard W. Roulx present and voting. Also present, Executive Director, Evelyn C. LeBrun